HCJ & RSRJ

WASR.No.136987 of 2005

Per G.S. Singhvi, CJ

Dissatisfied with order dated 2.12.2005 passed by the learned Single Judge in Writ Petition No.25592 of 2005 whereby he directed Commissioner, Malkajgiri Municipality to verify the eligibility of the appellant to participate in the process of award of contract in pursuance of tender notice dated 11.11.2005, and then enable it to submit tender before the closure time fixed for filing of tenders, the appellant has filed this appeal.

We have heard learned counsel for the appellant and perused the record. A reading of the tender notice dated 11.11.2005 issued by Commissioner, Malkajgiri Municipal Council shows that one of the conditions of the eligibility prescribed was that the applicant must have been enrolled with the A.P. Central Power Distribution Company Ltd. (APCPDCL). Admittedly, the appellant does not fulfil this condition. Notwithstanding this, he applied to the Commissioner, Malkajgiri Municipal Council for issuance of tender form. The latter did not accede to his request. The appellant then filed W.P.No.25592 of 2005 for issuance of a direction to the respondents to supply the tender form. The learned Single Judge dismissed the same with the observation that the petitioner who was not eligible to participate in the process of award of contract was not entitled to make a grievance regarding non-supply of tender forms. At the same time, he directed Commissioner, Malkajgiri Municipality to verify the appellant's eligibility and then issue tender form.

We have heard learned counsel for the parties.

The appellant has neither averred nor any evidence has been produced on the record of this case to show that it is enrolled with APCPDCL. Thus, there is no escape from the conclusion that the appellant was not eligible to submit tender in

pursuance of notice dated 11.11.2005 and the learned Single Judge did not commit any error by refusing to entertain the appellant's prayer.

In our considered view, a person who does not fulfil the conditions of eligibility prescribed by the competent authority has no right to participate in the process of award of contract and the appellant who does not fulfill the condition of eligibility cannot seek a direction for being allowed to participate in the process of award of contract.

For the reasons stated above, the appeal is dismissed.

G.S. SINGHVI, CJ

6th December, 2005

R. SUBHASH REDDY, J

Ars/vtv